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Date:

(Filing No. S-)

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 339, L.D. 780, “RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Personal Reproductive Autonomy”

Amend the resolution by striking out the title and substituting the following:

'RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Reproductive Autonomy'

Amend the resolution by striking out everything after the first paragraph (lines 1 to 3 in L.D.) and inserting the following:

'Constitution, Art. I, §26 is enacted to read:

Section 26. Reproductive autonomy. Every person has a right to reproductive autonomy. Neither the State nor any political subdivision of the State may deny or infringe on a person's right to reproductive autonomy unless the denial or infringement is justified by a compelling state interest and is accomplished using the least restrictive means necessary. Nothing in this section narrows or limits a person's right to privacy or equal protection.

For purposes of this section, the State's or a political subdivision's interest in denying or infringing on a person's right to reproductive autonomy is "compelling" only if it is for the limited purpose of protecting the health of the person seeking care, is consistent with accepted clinical standards of practice and evidence-based medicine and does not infringe on the person's autonomous decision making.

Constitutional referendum procedure; form of question; effective date.

Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

COMMITTEE AMENDMENT

1 "Do you favor amending the Constitution of Maine to declare that every
2 person has a right to reproductive autonomy?"

3 The legal voters of each city, town and plantation shall vote by ballot on this question
4 and designate their choice by a cross or check mark placed within the corresponding square
5 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared
6 in open ward, town and plantation meetings and returns made to the Secretary of State in
7 the same manner as votes for members of the Legislature. The Governor shall review the
8 returns. If it appears that a majority of the legal votes are cast in favor of the amendment,
9 the Governor shall proclaim that fact without delay and the amendment becomes part of
10 the Constitution of Maine on the date of the proclamation.

11 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State
12 shall prepare and furnish to each city, town and plantation all ballots, returns and copies of
13 this resolution necessary to carry out the purposes of this referendum.'

14 Amend the resolution by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment, which is the majority report of the committee, amends the
18 constitutional resolution to provide that every person has a right to reproductive autonomy
19 that may not be denied or infringed on by the State or a political subdivision of the State
20 unless the denial or infringement is justified by a compelling state interest and is
21 accomplished using the least restrictive means necessary. For purposes of this proposed
22 amendment to the Constitution of Maine, a state interest is "compelling" only if it is for the
23 limited purpose of protecting the health of a person seeking care, is consistent with accepted
24 clinical standards of practice and evidence-based medicine and does not infringe on the
25 person's autonomous decision making.

26 **FISCAL NOTE REQUIRED**
27 **(See attached)**